

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

PAMELA E. McCLAIN,

Plaintiff,

v.

ROBERT M. GATES,

Defendant.

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CASE NO. 4:09-CV-36(CDL)

JOINT SCHEDULING AND DISCOVERY ORDER

Pursuant to Rule 16 and Rule 26 of the Federal Rules of Civil Procedure, and the Order of this Honorable Court dated June 30, 2009, the Plaintiff and counsel for the Defendant conferred by telephone on July 27, 2009. The undersigned counsel for Defendant prepared a draft Proposed Joint Scheduling Order for submission to the Court. After multiple attempts, the undersigned counsel for Defendant has been unable to gain the cooperation of the Plaintiff in preparing the final draft of the Proposed Joint Scheduling Order. The Court was notified of Plaintiff's unresponsiveness in this regard by telephone on August 10, 2009. Accordingly, Defendant submits the following:

1.

The complaint was filed on March 25, 2009, and the answer was filed on June 22, 2009. The date by which the parties must complete discovery shall be December 22, 2009, unless extended by the court upon motion of the parties.

2.

The date by which the parties may file dispositive motions, including motions for full or partial summary judgment, shall be February 5, 2010, or 45 days after the date for completing discovery, whichever comes later.

3.

The date by which the parties may join parties or amend the pleadings shall be November 27, 2009, or 30 days prior to the date for completing discovery, whichever comes later.

4.

The names, addresses, and telephone numbers of parties/lead counsel for each party are as follows:

- | | |
|---------------------|--|
| (1) For plaintiff - | Ms. Pamela E. McClain
308 Hornet Drive
Brunswick, GA 31525
telephone: 904-382-3441
e-mail: pamelamcclain1@lycos.com |
| (2) For defendant - | Sheetul S. Wall
Assistant United States Attorney
1246 First Avenue
P. O. Box 2568
Columbus, Georgia 31902
telephone: 706-649-7700
fax 706-649-7667
e-mail: Sheetul.S.Wall@usdoj.gov |

5.

Depositions of Witnesses: The parties shall be allowed to take the depositions of the witnesses indicated below at the dates and times specified. For those witnesses where no date is specified, the parties will schedule depositions in accordance with the witnesses' and parties'/counsels' schedules.

- (a) Pamela E. McClain
- (b) Ray Andrade
- (c) Gary D. Hensley
- (d) Marie Whitehead
- (e) Abela Wilcoxson
- (f) Larry J. Bentley
- (g) Lara M. Budraski
- (h) Audrey Cotton
- (i) Ms. Winnie Torain
- (j) Ellis Dandy
- (k) Any expert witnesses identified by the parties.

The parties may supplement the proposed list of deponents if other witnesses are identified during the discovery period.

6.

The estimated cost of all discovery is:

\$10,000.00 (for Defendant).

\$_____ (for Plaintiff).

7.

Certain witnesses, both lay and expert, may be identified as the process of discovery continues. Each party agrees to the taking of each witness's deposition so identified, upon notice to the opposite party, prior to the close of discovery. In addition, each party reserves the right to take depositions for the preservation of testimony, after discovery closes, so as not to delay trial.

8.

Plaintiff must identify expert witnesses in accordance with Rule 26 no later than September 21, 2009. Defendant must identify expert witnesses in accordance with Rule 26 no later than October 20, 2009.

9.

The parties must provide initial disclosures under Rule 26(a) no later than August 13, 2009. The parties further agree that they may engage in written discovery, up to the court's limits of twenty-five (25) interrogatories, ten (10) requests for production and fifteen (15) requests for admission.

Respectfully submitted,

G. F. PETERMAN, III
ACTING UNITED STATES ATTORNEY

By: s/Sheetul S. Wall
Assistant United States Attorney
United States Attorney's Office
P. O. Box 2568
Columbus, GA 31902-2568
(706) 649-7700

Attorney for Defendant

SO ORDERED, this 17th day of August, 2009.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE